

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUCIA B. CHAVEZ,  
Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
Defendant.

Case No. 15-cv-02756-KAW

ORDER DISCHARGING ORDER TO  
SHOW CAUSE

This action was filed on June 18, 2015. (Compl., Dkt. No. 1.) Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff has 120 days to complete service of the complaint and summons on Defendant, such that October 16, 2015 was the last day to complete service. The Case Management Conference (CMC) originally scheduled for September 22, 2015 was continued to December 1, 2015, because Defendant had not been served 7 days prior to the original CMC date. (Clerk's Notice, Dkt. No. 5.) As of November 30, 2015, Plaintiff had not filed a certificate of service showing that Defendant was served. Nor had a summons been issued in this case.

In light of this, the Court ordered Plaintiff to show cause why this matter should not be dismissed for failure to comply with the deadline set forth in Rule 4(m).<sup>1</sup> Plaintiff was to file a written response to the order to show cause by December 14, 2015.

Plaintiff timely filed a written response.<sup>2</sup> Having reviewed the response, the Court finds good cause to extend the deadline for service of the summons and complaint. Within 30 days of

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<sup>1</sup> Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against the defendant . . . ." It should be noted that effective December 1, 2015, the time for service was reduced from 120 days to 90 days.

<sup>2</sup> Plaintiff also filed her consent to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c).

1 this order, Plaintiff shall serve Defendant, and she shall promptly file proof of such service with  
2 the Court. The Court's order to show cause is hereby DISCHARGED.

3 **IT IS SO ORDERED.**

4 Dated: 12/16/15



KANDIS A. WESTMORE  
United States Magistrate Judge